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TORTS—INTERFERENCE WITH BUSINESS—MOTIVE AFFECTING LIABILITY.—*DUNSHEE v. STANDARD OIL CO. ET AL.*, 132 N. W., (IA.).—*Held*, it is not the law that, if one does a thing which otherwise would not transgress the bounds of legitimate competition, his motive in doing it can not affect the question of his liability to one injured by his act; so, where plaintiff, being engaged in retailing oil, and having commenced to buy part of his supply from another defendant, a wholesaler, defendant, with no real purpose or desire to establish a competing retail business, went into the retail business under the guise or pretense of competition, with malicious purpose of ruining the plaintiff, or driving him out of business, intending itself to retire from the retail business when its end was secured, it can claim no immunity under the rules protecting competition, but is liable for injury to plaintiff.

The general trend of authority in this country as expressed in trade cases, is to declare actionable acts which are done solely out of bad motive, without justifiable cause and which naturally tend to do injury. *Moran v. Dumphy*, 177 Mass., 435; *Chipley v. Atkinson*, 23 Fla., 206; *International Co. v. Greenwood*, 2 Tex. Civ. App. 76. But, other courts hold that an act legal in itself is not rendered actionable by the motive which induced it. *Phelps v. Nowlen*, 72 N. Y., 39; *Bohn Mfg. Co. v. Hollis*, 54 Minn., 223. Although the motive be malicious, yet if the main purpose of the defendant is to defend and protect his own business and not merely to injure the plaintiff, he is not liable. *Clendon Iron Co. v. Uhler*, 75 Pa. St. 467. *Trans. Co. v. Standard Oil Co.*, 50 W. Va., 611. On the other hand good motive does not of itself constitute a justification for the violation of a right. *Cooley on Torts* (Students' Ed.), p. 46. Competition constitutes a *prima facie* justification. *Mogul S. S. Co. v. McGregor*, L. R. App. Cases 25. What may be a legal act, though done with bad motive by an individual, becomes actionable when done by a combination of persons. *Hawarden v. Youghioghenny L. & C. Co.*, 111 Wis., 545. In determining questions of defendant's liability in trade cases, courts disregard any event or antecedent act which may be cause of the motive. *Casey v. Cincinnati Typ. Union*, 45 Fed., 135; *Brace Brothers v. Evans*, 18 Pitts. L. J., 399. So courts regard the immediate motive as affecting or not affecting the liability of the defendant and not the ultimate motive. *National Ass'n. v. Cumming*, 170 N. Y., 315. This motive or malice, if not manifestly inherent in act, compels plaintiff to give some proof from which it may legally be inferred. *Haines v. Schultz*, 50 N. J., 481. When question of punitive damages arise motive becomes very important. *Louisville, etc., R. R. Co. v. Smith*, 141 Ala., 335.